



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 30 2013

REPLY TO THE ATTENTION OF:
WQ-16J

Kenneth G. Johnson, Administrator
Water Division
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707-7921

Dear Mr. Johnson:

Thank you for your letter of June 28, 2013, submitting Wisconsin's proposed variance for the Wisconsin Public Service Corporation - J.P. Pulliam Generating Station (Pulliam), WPDES Permit Number WI-0000965-09-0, to the U.S. Environmental Protection Agency for review under section 303(c) of the Clean Water Act (CWA). The proposed action would grant Pulliam, which discharges to the Lower Fox River, a variance from Wisconsin's mercury water quality criteria for the protection of wildlife and human health and establish a variance-based effluent limit for mercury of 48 ng/L.

Consistent with section 303(c) of the CWA and federal regulations at 40 CFR 131.21, EPA is required to review and approve state water quality standards. EPA has reviewed the information submitted in support of the proposed action and hereby approves the variance pursuant to section 303(c) of the CWA and federal regulations at 40 CFR 131.21.

As required under section 7 of the Endangered Species Act, EPA evaluated whether approval of this variance would affect federally-listed threatened or endangered species or designated critical habitat. The dwarf lake iris (*Iris lacustris*) is known from Brown County, Wisconsin. EPA found that approval of this variance would have no effect on the dwarf lake iris because the species is terrestrial. There is no critical habitat in the action area. Therefore, EPA concluded that approval of this variance will have no effect on federally-listed species or critical habitat.

If you or your staff has any questions regarding this approval, please contact Robie Anson of my staff at (312) 886-1502.

Sincerely,

Tinka G. Hyde
Director, Water Division

cc: Brian Weigel, WDNR
Lynn Singletary, WDNR
Peter Fasbender, USFWS